

MESSAGE NO: 0337309 MESSAGE DATE: 12/03/2010

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ADRV-Administrative Review

FR CITE: 75 FR 70208 FR CITE DATE: 11/17/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-904

EFFECTIVE DATE: 11/17/2010 COURT CASE #:

PERIOD OF REVIEW: 04/01/2008 TO 03/31/2009

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN ACTIVATED CARBON FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE PRC-WIDE ENTITY FOR THE PERIOD 04/01/2008 THROUGH 03/31/2009 (A-570-904-000)

1. FOR ALL SHIPMENTS OF CERTAIN ACTIVATED CARBON FROM THE PEOPLE'S REPUBLIC OF CHINA ("PRC") EXPORTED BY THE PRC-WIDE ENTITY (A-570-904-000) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 04/01/2008 THROUGH 03/31/2009, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO 2.42 USD FOR EACH KILOGRAM OF THE SUBJECT MERCHANDISE.
2. IN THE DEPARTMENT'S FINAL RESULTS (75 FR 70208, 11/17/2010), THE DEPARTMENT DETERMINED THAT THE FOLLOWING EXPORTERS ARE NO LONGER ELIGIBLE FOR A SEPARATE RATE AND ARE CONSIDERED PART OF THE PRC-WIDE ENTITY:

EXPORTER: DATONG YUNGUANG CHEMICALS PLANT

EXPORTER: SHANXI NEWTIME CO., LTD.

EXPORTER: UNITED MANUFACTURING INTERNATIONAL (BEIJING) LTD.

EXPORTER: HEBEI FOREIGN TRADE AND ADVERTISING CORPORATION

THEREFORE, ENTRIES OF CERTAIN ACTIVATED CARBON EXPORTED BY THE FIRMS LISTED IN THIS PARAGRAPH, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 04/01/2008 THROUGH 03/31/2009, SHOULD BE LIQUIDATED IN ACCORDANCE WITH THE ASSESSMENT INSTRUCTIONS LISTED IN PARAGRAPH 1 ABOVE FOR THE PRC-WIDE ENTITY. ENTRIES OF SUCH MERCHANDISE MAY HAVE ENTERED UNDER THE FOLLOWING CASE NUMBERS:

A-570-904-037

A-570-904-039

A-570-904-040

A-570-904-065

A-570-904-066

A-570-904-067

A-570-904-085

A-570-904-086

A-570-904-087

3. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 04/01/2008 THROUGH 03/31/2009, OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (75 FR 70208, 11/17/2010). FOR ALL OTHER SHIPMENTS OF CERTAIN ACTIVATED CARBON FROM THE PRC, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O9: RJP).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

| Case # | Rate | Party Indicator* | Party ID | Party Name |
|---------------|-------------------|------------------|----------|--|
| A-570-904-000 | 2.42 PER KILOGRAM | E | | PRC-WIDE RATE |
| A-570-904-037 | 2.42 PER KILOGRAM | E | | DATONG YUNGUANG CHEMICALS PLANT |
| A-570-904-037 | | M | | DATONG YUNGUANG CHEMICALS PLANT |
| A-570-904-039 | 2.42 PER KILOGRAM | E | | HEBEI FOREIGN TRADE AND ADVERTISING CORPORATION |
| A-570-904-039 | | M | | DA NENG ZHENG DA ACTIVATED CARBON CO., LTD. |
| A-570-904-040 | 2.42 PER KILOGRAM | E | | HEBEI FOREIGN TRADE AND ADVERTISING CORPORATION |
| A-570-904-040 | | M | | SHANXI BLUESKY PURIFICATION MATERIAL CO., LTD. |
| A-570-904-065 | 2.42 PER KILOGRAM | E | | SHANXI NEWTIME CO., LTD. |
| A-570-904-065 | | M | | DATONG FORWARD ACTIVATED CARBON CO., LTD. |
| A-570-904-066 | 2.42 PER KILOGRAM | E | | SHANXI NEWTIME CO., LTD. |
| A-570-904-066 | | M | | NINGXIA GUANGHUA CHEMICAL ACTIVATED CARBON CO., LTD. |
| A-570-904-067 | 2.42 PER KILOGRAM | E | | SHANXI NEWTIME CO., LTD. |

| Case # | Rate | Party Indicator* | Party ID | Party Name |
|---------------|----------------------|------------------|----------|--|
| A-570-904-067 | | M | | NINGXIA TIANFU ACTIVATED CARBON CO., LTD. |
| A-570-904-085 | 2.42 PER KILOGRAM | E | | UNITED MANUFACTURIN G INTERNATIONAL (BEIJING) LTD. |
| A-570-904-085 | | M | | DATONG FU PING ACTIVATED CARBON CO., LTD. |
| A-570-904-086 | 2.42 PER KILOGRAM | E | | UNITED MANUFACTURIN G INTERNATIONAL (BEIJING) LTD. |
| A-570-904-086 | | M | | DATONG LOCOMOTIVE COAL & CHEMICAL CO., LTD. |
| A-570-904-087 | 2.42 PER KILOGRAM | E | | UNITED MANUFACTURIN G INTERNATIONAL (BEIJING) LTD. |
| A-570-904-087 | | M | | XINHUA CHEMICAL COMPANY LTD. |